

INDEX-DIGEST

TO THE EDITORIALS, NOTES OF RECENT DECISIONS, LEADING
ARTICLES, ANNOTATED CASES, LEGAL NEWS, CORRES-
PONDENCE AND BOOK REVIEWS IN VOL. 72.

A separate subject-index for the "Digest of Current Opinions" will be found on page 475 following this Index-Digest.

ACCOUNT,

burden of proof to show payment, 114.

AEROPLANES,

See AVIATION.

APPEAL AND ERROR,

appellate procedure under the English Judicature Act and rules thereunder, 39.
the extent to which American statutes may go in authorizing complete disposition of causes by appellate courts, 57.
constitutional question first presented on motion for re-hearing in state supreme court, 58.
unilateral right of appeal in criminal cases contrary to the fourteenth amendment, 76.
the doctrine of harmless error, 86.
the disinclination of appellate court in this country towards simplifying appeals and the final disposition of causes on appeal, 93.
federal statute involving the doctrine of harmless error, 123.
the doctrine of harmless error, 151.
appellate court entering judgment on reserved questions of law, 207.
mandamus to take place of appeal or writ of error where federal circuit court refuses to remand civil cause to state court, 281.

ATTORNEY AND CLIENT,

disbarment of attorney for using a sham corporation to create diversity of citizenship, 113.
burden is on attorney to show absence of his written consent to settlement after notice of lien on fee, 289.
the contingent fee, 335.
failure of counsel to keep faith with the court as a condition of being allowed to proceed on a proposed line, 353.

AVIATION,

trespassing by aeroplanes, 11.

BAIL,

jury trial in scire facias on recognizance in a criminal case, 103.

BANKS AND BANKING,

clearing house as affecting the question of diligence in the presentation of a check for collection, 395.
collecting bank required to accept only legal tender as payment, 398.

BANKRUPTCY,

costs recovered by successful defendant in malicious injury suit released by discharge, 21.
construction defeating co-debtor, guarantor, and surety clause of bankruptcy act, 47.
interest on secured debts subsequent to adjudication, 150.
respective rights of individual and partnership creditors in bankruptcy proceedings, 445.

BENEFIT SOCIETIES,

the right of a fraternal benefit association to re-rate its members, a law of necessity, 19.

BILLS AND NOTES,

negotiation of a check after its payment by bank on which it is drawn, 156.
drawee paying check on forged endorsement, 290.
effect of changing the payee of a note without the maker's consent, 253.
right of holders in due course under the negotiable instruments law, 264.
the effect of overdue and unpaid interest as notice of dishonor, 401.
can a draft drawn by an agent on his principal under proper authority be treated as a promissory note? 427.

BOOKS RECEIVED,

51, 124, 141, 237, 327, 337, 404, 465.

BREACH OF MARRIAGE PROMISE,

value of a woman's heart, 236.

BULK SALES LAW,

See SALES.

CARRIERS OF GOODS,

waiver by carrier of proper notice, with prescribed time, of claim by shipper for loss or damage, 234.
notice to carrier subsequent to shipment as giving special damages for further delay, 461.

COMMERCE,

See RATE REGULATIONS.
the retroactive effect of the 1906 commerce amendment regarding compensation for transportation, 243.
the right of the state under the interstate commerce act to regulate transportation wholly within its borders, 334.
the right of a carrier to inquire for rate making purposes into the ownership of a shipment, 376.

CONSTITUTIONAL LAW.

See INITIATIVE, REFERENDUM AND RECALL.

constitutionality of federal corporation tax law, 59.

unilateral right of appeal in criminal cases as contrary to fourteenth amendment, 76. does an amendment changing the manner of apportioning assessments for municipal improvements impair any vested right? 97.

lost records act to cure confusion and uncertainty in land titles, 149.

a pseudo doctrine ambiguously labeled the flexibility of law, 165.

effect of legislation to validate contracts which have been adjudged invalid, 168.

penalizing insurance companies for belonging to tariff association for fixed rates, 168.

is Arizona's constitution embodying the initiative, referendum and recall a constitutional republican form of government? 169.

constitutionality of statute providing for personal service of process outside of a state, 189.

flexibility of the law, 255.

the New York decision declaring workmen's compensation act unconstitutional, 279.

the validity of the thirteenth amendment to the constitution of the United States, 282.

unconstitutionality of statute as a defense to mandamus against a public officer refusing to enforce said statute, 301.

some observations of the effect of amendments to the federal constitution, 326.

prescribing penalties for the violation of regulations to be made by a departmental officer, 436.

statute making it a misdemeanor to use portrait for advertising purposes, 437.

shall atheists be excluded as witnesses, 22.

CONTEMPT,

contempt in federal courts, 5.

CONTRACT.

validity of agreement between employers and trade unions that the former will not employ non-union labor, 5.

effect of legislation to validate contracts which have been adjudged invalid, 168.

CORPORATIONS,

working of the corporation tax, 32.

constitutionality of federal corporation tax law, 59.

service on statutory agent of foreign corporation after withdrawal from the state, 96.

progress of the corporation tax cases, 140.

requirement of statute as to limited indebtedness, and liability of directors for excess, 209.

the corporation tax decision, 225.

laches barring subscriber for stock from right of rescission when corporation becomes insolvent, 244.

extra-territorial enforcement of statutes imposing liabilities on stockholders, 245.

corporate liability for crime, 272.

COURTS,

See FEDERAL COURTS.

right to proceed in equity to the granting of full relief when original right to resort to a court of equity disappears pendente lite, 112.

exception to the rule in moot question cases, 228.

CRIMINAL EVIDENCE,

admissibility of evidence of other criminal acts, 4.

religious belief as a test of admissibility of dying declarations, 132.

CRIMINAL LAW,

constitutionality of postal regulations as an interference with freedom of the press, 27.

Nevada's proposed statute according to convicted murderer's choice in the mode of executing the death penalty, 261.

CRIMINAL TRIAL,

participation of judge by examination and cross-examination of witnesses prejudicial to accused, 95.

jury trial in scire facias on recognizance in a criminal case, 103.

DIVORCE,

when allowances pendente lite will be made to wife in divorce proceedings although she has ample credit and large means, 209.

liberal construction of statutes as excluding confessions as evidence in divorce cases, 217.

DIGEST OF CURRENT OPINIONS,

14, 34, 52, 71, 88, 106, 125, 142, 160, 184, 202, 220, 238, 257, 274, 292, 311, 328, 346, 370, 389, 405, 430, 448, 466.

ELECTION,

facts creating presumption that voter knew that his vote was being cast so as not to be counted, 227.

ELECTRICITY,

the doctrine of attractive nuisances applied to wires charged with electricity, 121.

EMINENT DOMAIN,

right of government to condemn for a post-office site where deficiency in appropriation for a site is made up by private donation, 377.

EQUITY,

right to proceed in equity to the granting of full relief when original right to resort to a court of equity disappears pendente lite, 112.

ESTOPEL,

directing verdict for inconsistency in testimony of plaintiff at a former and later trial, 299.

EVIDENCE,

See EXPERT TESTIMONY.

religious belief as a test of admissibility of dying declarations, 132.

EXPERT TESTIMONY,

the identification of a mark, 318.

FEDERAL COURTS,

See REMOVAL OF CAUSES.

federal reservations as twilight zones in criminal law, 21.

disbarment of attorney for using a sham corporation to create diversity of citizenship, 113.

an exception to the rule that a federal court cannot acquire jurisdiction in personam by waiver, 297.

the United States as a defendant, 460.

FORGERY,

evidence necessary to prove the issue of forgery, 135.

FRAUDULENT CONVEYANCES,

effect of voluntary conveyances by solvent debtors as against existing creditors, 271.

GARNISHMENT,

deposit by one designating himself "agent" and obligation of bank in garnishment, 84.

GOOD WILL,

sale of good will carries with it the incidents which makes the business valuable, 181.

HARMLESS ERROR,

See **APPEAL AND ERROR.**

HUMOR OF THE LAW,

13, 33, 51, 70, 87, 105, 124, 141, 183, 201, 219, 237, 255, 273, 291, 309, 327, 369, 404, 429, 447, 465.

HUSBAND AND WIFE,

right of wife under enabling act to sue her husband for a tort, 75.
when and in what cases may the husband recover real estate conveyed by him to his wife during the marriage state, 78.
presumption of coercion by husband where wife commits a crime in his presence, 139.
exception to the rule of non-liability of wife for offense committed in the husband's presence, 262.
liberal construction of married women's acts, 272.
when privileged communications between husband and wife are held not privileged, 385.

INFANCY,

estoppel to disaffirmance by misrepresentation of age, 412.

INHERITANCE ACT,

constitutionality as applied to surviving wife's share in community property, 77.

INITIATIVE, REFERENDUM AND RECALL,

is Arizona's constitution embodying the initiative, referendum and recall a constitutional republican form of government, 169.
is the initiative, referendum and recall a republican form of government, 237.
"initiative" and "referendum" distinguished under constitutional provisions, 345.
popular v. delegated government—a defense of the initiative, referendum and recall, 354.
the validity of general legislation enacted under initiative and referendum provisions, 366.
is the referendum anti-republican, 378.
the principle of recall applied to judicial officers, 393.
a republican form of government: a defense of the Arizona constitution, 437.

INTERNATIONAL LAW,

recommendations as to an international prize court in the president's message, 31.
recommendations as to a universal peace commission in the president's message, 31.
rules formulated by the international fisheries commission, 32.

INTOXICATING LIQUORS,

scheme by club for distribution to members as sale in prohibition territory, 190.

JUDGES,

the supposed degeneracy of the American bench, 453.

JUDGMENT,

distinction between judgments of other states and those of other countries as merging causes of action, 8.

JURISDICTION,

See **COURTS.**

dismissal, upon demurrer as to one defendant where appellate court held cause wrongly removed, 3.

LAW AND LAWYERS,

Socialism and the law, 10.
Edward Douglass White, Chief Justice, 13.
is the law a legal jungle, 13.
Illinois state bar association, 51.
semi-annual meeting of the Illinois state bar association, held at Springfield, February 16, 1911, 235.
preliminary notice of the American bar association meeting, 309.
the Michigan state bar association, 387.

LIBEL AND SLANDER,

libel for calling a man a "traitor to his city," 368.

LAW BOOKS,

Miscellaneous.
Black's Dictionary of the Law, 183.
De Quiros' Modern Theories of Criminality, 141, 447.
Morris' Introduction to the History of the Development of Law, 104.
Ethical Obligations of the Lawyer, 369.
Law in Shakespeare, 291.
Whelless' Compendium of Mexican Law, 70.
Reviews of Digests.
American Digest, (Vol. 9), 327.
Reviews of Encyclopaedias. (Vol. 37), 404.
American and English Encyclopaedia of Law and Practice, Vol. 5, 255.
Review of text-books.
Wyman on Public Service Corporations, 446.
Chamberlayne's Modern Law of Evidence, 446.
Powell on Actions for Land, 465.
Sears on Corporations in Missouri, 326.
Collier on Bankruptcy, 255.
Hughes' Equity in Procedure, 159.
Perry on Trusts and Trustees (6th edition), 124.
Reviews of reports. Vol. 136, 429.
American State Reports, (Vol. 134), 141.
American State Reports, (Vol. 135), 327.
Reviews of Statutes.
Bowles National Bank Act Annotated, (4th ed.), 183.

MARRIAGE,

the primitive Malay marriage law, 423.

MASTER AND SERVANT,

what is secured to an employee by a clause that employment shall continue during specified period if work is satisfactory, 67.
whether duty to securely guard machinery is absolute or is like that to keep working place safe, 95.
assumption of risk under the New York labor law, 435.
assumption of risk and its suspension by the master's promise to remedy defect, 444.
the tests which show or disprove the relation of fellow servant, 454.

MILITIA,

acts of members performed in the course of military duty subjecting them to civil liability, 317.

MONOPOLIES,

normal corporations continental monopolies, 132.
combination between two corporations effected by the common agent of both, 263.
the doctrine that the anti-trust act refers only to unreasonable restraints of trade, 375.
the tobacco trust decision, 411.
the "unreasonable" obiter dicta of chief justice White in the Standard Oil Case, 413.

MUNICIPAL CORPORATIONS,

does an amendment changing the manner of apportioning assessments for municipal improvements impair any vested right, 97.

NEGLIGENCE,

the degree of care to which the doctrine of *res ipsa loquitur* applies, 131.

NUISANCES,

the doctrine of attractive nuisances applied to wires charged with electricity, 121.

PLEADING,

accurate pleading essential, 87.
amending the addendum clause binding on surety on return bond in replevin, 167.
defense arising after suit brought, 182.

POST OFFICES,

sending through the mails an offer of reward for the kidnapping of a person, 10.

PRACTICE,

remanding case for partial new trial, 353.

PRINCIPAL AND AGENT,

ratification by receipt and retention of benefits, 396.
compensation of unfaithful agents, 396.

PUBLIC OFFICERS,

unconstitutionality of statute as a defense to mandamus against a public officer refusing to enforce said statute, 301.

RATE REGULATION,

the Carmack amendment as a lawful regulation under the commerce clause and its logical possibilities as to interstate rates and the common law duty of a common carrier, 129.
the basis upon which a rate prescribed by interstate commerce commission must rest, 226.
suggestions on railroad rate regulation, 229.
the right of the state notwithstanding the interstate commerce act to prescribe intrastate fares and freight rates, 351.
approaching problems in federal control, 386.

REFORM IN PROCEDURE,

See APPEAL AND ERROR.
See PLEADING.
See TRIAL AND PROCEDURE.

REMOVAL OF CAUSES,

suit against receivers appointed by federal court as one arising under federal law, 41.
removal of suits from state courts to federal courts on grounds of diverse citizenship, 218.
if Judiciary act of 1789 had called the transference of a case to the federal court "change of venue" instead of "removal of a cause," what would have been the result, 315.
where controversy is not separable waiver by parties will not prevent circuit or appeals court from remanding of its own motion, for want of jurisdiction, 317.

SALES,

sale of good will carries with it the incidents which makes the business valuable, 181.
construction of the phrase "presumed to be void," where there is non-compliance with statute in regard to notice, etc., 300.
when the word "sells" is construed as "offers to sell," 324.
construing "sells" as "offers to sell," 387.

SHERMAN ACT,

See MONOPOLIES.

STATUTES,

construction in application of state law to federal reservations, 77.
effect of legislation to validate contracts which have been adjudged invalid, 168.

TAXATION,

exemption of building for charitable purposes in course of construction, 41.
constitutionality of federal corporation tax law, 59.

TITLE AND TITLE REGISTRATION,

lost records act to cure confusion and uncertainty in land titles, 149.

TRESPASS,

trespassing by aeroplane, 11.

TRIAL AND PROCEDURE,

See APPEAL AND ERROR.
some definite reform in procedure, 1.
suggestions for reform in trial and appellate procedure in the president's message, 32.
appellate procedure under the English Judicature Act and rules thereunder, 39.
participation of judge by examination and cross-examination of witnesses prejudicial to accused, 95.
jury trial in *scire facias* on recognizance in a criminal case, 103.
special finding as aiding in the decrease of reversals and remands for new trial, 111.
the relation of judicial procedure to uniformity of law, 114.
Everet P. Wheeler congratulates bar on first victory for reform in procedure, 123.
federal statute involving the doctrine of harmless error, 123.
the Illinois conference on the reform of the law of procedure and practice, 147.
the doctrine of harmless error, 151.
Roscoe Pound on reform in procedure, 158.
Duane Mowry on reform in procedure, 159.
the speeding and cheapening of the administration of justice, 191.
reform of judicial procedure, 254.
glimpses of Illinois law and procedure, 267.
disturbing elements in judicial administration, 325.
our campaign for the reform of judicial procedure, 333.
reform of procedure in the courts of New York, 402.
reform of procedure in Illinois, 403.
reform in procedure—a protest, 428.
reform of civil procedure in New York, 445.

UNIFORM LAW,

the relation of judicial procedure to uniformity of law, 114.

WILLS,

misdescription as being or not within the rule governing latent ambiguity, 20.
oddities of testators, 201.

WITNESSES,

constitutionality of the rule excluding atheists as witnesses, 22.
Psychology for the witness stand, 41.

WORKMEN'S COMPENSATION ACT,

the New York decision declaring workmen's compensation act unconstitutional, 279.

SUBJECT-INDEX

TO ALL THE "DIGESTS OF CURRENT OPINIONS" IN VOL. 72.

This subject-index contains a reference under its appropriate head to every digest of current opinions which has appeared in the volume. The references, of course, are to the pages upon which the digest may be found. There are no cross-references, but each digest is indexed herein under that head, for which it would most naturally occur to a searcher to look. It will be understood that the page to which reference, by number, is made, may contain more than one case on the subject under examination, and therefore the entire page in each instance will necessarily have to be scanned in order to make effective and thorough search.

Abandonment—intention, 346; title to land, 160.

Abatement and Revival—action for illegal discrimination, 160; action on note, 310; actions surviving, 388; jurisdiction, 127; pendency of action, 71; pendency of another suit, 292; plea in abatement, 310; plea to the jurisdiction, 466; prematurity of action, 466; termination of office, 202;

Accident Insurance—cause of death, 238; external and visible marks, 142; false statements in application, 292; notice of accident, 370; notice of death, 142; policy conditions, 405.

Accord and Satisfaction—acceptance of check, 405; receipts and check, 346; what constitutes, 256.

Account—equity jurisdiction, 160; petition, 292.

Account Stated—accord and satisfaction, 388; conclusiveness, 346; falsification, 108; retention of account, 106.

Acknowledgement—certificate of notary, 256; nature of act, 274.

Action—assault on passenger, 71; cause of action, 238; contract or tort, 142, 160; costs, 106; debt payable on demand, 405; illegality, 292; joinder, 256; novel remedies, 370; pleadings, 292; publication of libel, 246; right of action, 160; separate causes of action, 88, 202; splitting causes of action, 446; statutory remedies, 238; waiver of tort, 346.

Adjoining Landowners—natural supports, 388; trees on line, 160.

Adoption—nature of proceedings, 370, 430; rights of adopted children, 142.

Adverse Possession—acquisition of right of prescription, 328; acts constituting, 52; boundaries, 388; color of title, 370; constructive possession, 88; continuity, 388; conveyance of land, 52; duration, 108; entry and possession by mistake, 328; evidence,

52; extent of possession, 34; fraud, 52; hostile character, 292; lands subject, 88; nature of possession, 202; presumptions, 202; possession by surviving widow, 405; possession by tenant, 388; rights of heirs, 202; strength of title, 430; sufficiency of possession, 256; taking successive possessions, 142, 238, 466; Texas statute, 220; vacant or unoccupied land, 346.

Affidavits—denial in jurat, 14.

Agriculture—liability of members of association, 370; thresher's lien, 202.

Allens—deportation proceedings, 310; regulation, 310.

Alteration of Instruments—consent of parties, 388; material alterations, 88, 388; payee in note, 292; right to plead non est factum, 388; stamping as paid, 370.

Amicus Curiae—powers, 34, 488.

Animals—running at large, 388; viciousness, 160-430.

Appearance—answer to merits, 466; default judgment, 256; service of process, 88; waiver of defects, 328.

Apprentices—indenture, 370.

Arbitration and Award—agreement of submission, 328; majority award, 238; submission and revocation, 34.

Arrest—peace officers, 220.

Arson—indictment, 14.

Assault and Battery—admissibility of evidence, 106; aggravated assault, 370; pleading, 160; provocation, 52; resisting arrest, 184; self-defense, 202.

Assignments—action by assignee, 106; another action pending, 71; assignability of claim, 328; assignment of part of claim, 88; choses in action, 88; claims for services, 125; contracts subject to assignment, 370; equitable claims, 388; failure of consideration, 160; priority, 71; property included, 88; time checks, 142.

Assignments for Benefit of Creditors—action on assignee's bond, 125; acts constituting, 430; fraudulent conveyances, 106.

Assumpsit, Action of—breach of contract, 328; express contract, 52; pleading, 238.

Attachment—action on bond, 220; affidavit, 405; attorney's fees, 405, 466; basis, 448; custody of property, 370; grounds, 346; lien, 14; punitive damages, 430; rights acquired, 106; sale, 34.

Attorney and Client—attorney's lien, 405, 430; compensation of attorney, 202, 220, 292; contingent fee, 14; contracts between, 220; disbarment, 346, 405; effect of death of client, 448; employment, 388; grounds for disbarment, 160; lien of attorney, 238, 466; notice on attorney, 106; purchase of tax title, 346; revocation of authority, 14; stipulations, 328; substitution of attorney, 202; transfer of client's property, 388; unprofessional conduct, 388; validity of contract, 71.

Auctions and Auctioneers—contracts, 405; sale of property, 448.

Bail—Action on bond, 34; capital charge, 142; forfeiture, 160; liability of surety, 256; nature and scope, 220; scire facias, 292.

Bailment—artisan's lien, 405; estoppel to deny ownership, 310; loss of property, 238; nature and element, 184; negligence, 430; storage of lumber, 256.

Bankruptcy—action against trustee, 34; action by trustee, 71; act of, 14, 388; adjudication, 220; adjudication against partner, 71; adjustment of claims, 448; allowance of homestead exemptions, 34; amendment of petition, 448; appraisalment, 448; assignments, 328; authority and duty of trustee, 184, 220; brokers, 448; circuit court of appeals, 160; claims, 202, 448; claims enforceable, 238; composition, 14, 466, 448; concealment of goods, 202; conditional sales, 125; consent, 14; construction, 14; construction of statute, 405; contempt, 106, 184, 274; corporations subject, 448; costs of receivership, 370; creditor, 346; creditor's committee, 448; debt entitled to priority, 202; discharge, 14, 34, 88, 202, 274, 346, 405; dividends, 125; duty to deposit funds, 106; effect on garnishment proceedings, 202; effect on lease, 202; effect on pending action, 346; election of trustee, 448; equitable rights in land, 184; equity jurisdiction, 405; evidence, 292; exemption from arrest, 274; exemptions, 52, 202, 220, 274, 310, 370, 405, 448, 466; expenses, 14; failure to file chattel mortgage, 52; false financial statement, 52; fees of attorneys, 220; filing claims, 106; filing of petition, 466; fraudulent conveyances, 184, 202, 430; fraudulent purchase, 448; fraudulent sales, 448; hearing on claims, 448; homestead exempt, 203; insolvency, 203; insurance policies, 88, 238; interest, 14; intervention by trustee, 405; involuntary petition, 449; involuntary proceedings, 52; judicial notice, 292; jurisdiction, 238, 274, 292; landlord and tenant, 14; liens, 370; loan to pay incumbrance, 238; master's report, 220; mechanics' liens, 203; motion for new trial, 370; order committing for contempt, 370; order to surrender property, 274; partnership, 34, 14, 449; persons subject to act, 310; petition to review order of referee, 274; petition to revise, 449; pleadings, 14; pledges, 106, 127; power of trustee to settle suit, 106; preferences, 14, 106, 160, 203, 220, 405, 466; priority of mortgage, 256; proceedings on objection to claim, 52; property of bankrupt, 449; property passing to trustee, 160, 238, 274, 310; provable debts, 184, 220, 274, 370, 388, 405, 449; reasonable cause to believe, 346; receivers, 449, 466, recovery by trustee, 388; referee's findings, 52; reopening estates

256; review on appeal, 203, 238, 406; revision proceedings, 370; rights of bondholders in bankrupt corporation, 406; rights of trustee, 388; sale of assets, 52, 160, 346, 406; secured creditors, 370; specifically pledged securities, 220; statements made by bankrupt, 370; stock brokers, 220; subscription to stock, 161; substitution of securities, 203; suit to avoid assignment, 203; trustee in bankruptcy, 274, 275; title of assignee, 256; title to property conditionally sold, 142; unrecorded conditional sale, 406; vacation of liens, 34; validity of liens, 184; voidable preferences, 406, 449; voidable sale, 14; wife's dower interest, 203; withheld assets, 275.

Banks and Banking—acceptance of draft, 275; action for deposit, 406; acts of officers, 389; agents, 310; authority to endorse checks, 106; capital stock, 220; certificate of deposit, 34; certificate of stock, 430; certification of check, 328; checks, 52; collections, 106, 346, 466; deposit of check for collection, 184; deposit of indorser, 203; depositor's guaranty fund, 310; deposits, 256, 310; double liability of stockholders, 275; drafts, 430; duplicate check, 71; false entries, 52; forged draft, 142; insolvency, 292, 389; jurisdiction of state courts, 142; liability for erroneously dishonoring check, 142; liability of indorser, 275; loans, 292; misapplication of funds, 203; national banks, 203, 449; notice to officers, 430; payment of checks, 389; power of officers, 203; power of president, 184; private banking, 310; references, 274; regulation, 328; renewal of notes, 220; representation by officers, 449; rights of depositor, 106; signature of depositor, 328; state regulation, 88, 310, 449; stockholders' liability, 466; suretyship, 238, 371; ultra vires acts, 34, 430; unauthorized payments by bank, 160; unauthorized use of funds, 238; usury, 466.

Bastards—recognizance, 466.

Beneficial Associations—contract of membership, 389; ownership of property, 52; sick benefits, 142.

Benefit Societies—applicability of general insurance laws, 328; by-laws, 106; construction of benefit certificate, 466; fraternal insurance, 389; increase of rates, 88; management of order, 184; membership, 406; payment of dues, 292; regulation by court, 238; reinsurance, 430; rights of beneficiaries, 203; waiver by act, 328; waiver of proofs of death, 406.

Bills and Notes—acceptance, 107, 310; acknowledgment of debt, 466; assignment, 238, 406; attorney's fees, 184, 389; bona-fide holder, 34, 142, 184, 221, 328, 430; bona-fide purchasers, 34, 52, 71, 125, 275, 310; bringing in new parties, 371; burden of proof, 71, 142; checks, 161; conditions, 466; evidence, 34; failure of consideration, 203; forgery, 406; form and contents, 371; form of note, 406; fraud, 430; indorsement, 142, 203, 449, 466; innocent holders, 449; law merchant, 449; liability of indorser, 142, 328; material alteration, 71; necessity for presentment, 184; notice, 15; parties entitled to sue, 203; partnership, 34; payment by notes, 328; payment of check, 328; place of payment, 292; pleading, 371, 449; possession of note, 107; power of agent, 203; presentment, 310; presumption of ownership, 184; promissory notes, 310; purchaser for value, 34; renewal, 142; stipulations, 88; suits, 88; time of accrual of right, 275; time checks, 142; validity, 371.

Bond—defense, 449.

Bonds—action on, 275; construction of statutory bond, 466.

Boundaries—acquiescence, 449; ascertainment and establishment, 311; description, 346; determination, 126; establishment, 181; establishment by agreement, 107; estoppel, 15; evidence, 203; marks on ground, 346; oil and gas lease, 346; particular description, 311; point, 347.

- Breach of Marriage Promise—damages, 52; marriage of party making promise, 221.
- Bribery—Evidence, 292.
- Bridges—power of county commissioners, 123; safety of floor, 389; what constitutes, 107.
- Brokers—accepting payment from others, 275; accountability to principal, 430; commissions, 71, 256, 347, 430; compensation 292; duty to obtain highest price, 107; employment, 467; employment by both parties, 142; right to commissions, 34, 221, 275, 347, 371, 389; sale of property, 292.
- Burglary—indictment, 221; intent, 161; ownership of house 430; requisites, 389; what constitutes, 221, 256.
- Burglary Insurance—forcible and violent entrance, 34.
- Cancellation of Instruments—additional relief, 389; adequate legal remedy, 88, 406; equity jurisdiction, 256, 389; fraudulent representation, 71; instruments subject to cancellation, 107; mortgages, 221; proceedings, 239; remedy at law, 239; rescission, 143; rescission of contract, 52; undue influence, 88.
- Carriers—action by consignor, 143; action for loss of live stock, 143; acts of employees off duty, 107; baggage, 430; bills of lading, 34, 275, 389, 406; carriage of freight, 184; carriage of goods, 71, 161, 184, 328, 406, 467; carriage of live stock, 221; carriage of passengers, 389; circus trains, 328; commutation ticket, 203; connecting carriers, 406; consignee's delay in removing goods, 311; contributory negligence, 125; conversion, 389; damages for delay in shipment, 143; damage to goods, 184; delay in delivery, 107; delay in shipment, 256; delay in transportation, 107; discrimination, 239; discrimination in rates, 449; duty to assist passenger in alighting, 88; duty to passengers, 311; duty to protect passengers, 221; duty to provide suitable cars, 275; ejection of passenger, 71; excessive freight rates, 329; failure to deliver freight, 311; federal regulation, 467; freight rates, 107, 275; freight shipments, 256; improper loading of cars, 311; injury to alighting passenger, 430; injury to goods, 125; injury to live stock, 125; injury to passenger, 71, 143, 371, 406; injury to passenger riding on pass, 143; injury to property, 221; injury to shipment, 221; interchangeable mileage ticket, 88; joint and several liability, 467; joint liability, 449; liability as warehouseman, 311; liability of connecting carrier, 467; liability of initial carrier, 125, 203, 371; liability on through bill of lading, 347; lien of freight, 347; limitation of liability, 15, 143, 239, 311, 431, 449; livery stable keeper, 34; live stock, 449, 467; loss of baggage, 221; loss or injury to goods, 467; misconduct of conductor, 293; mistake in quoting rate, 449; mistreatment of passengers, 329; nature of value of baggage, 239; negligence, 15, 107, 431; notice as to character of shipment, 431; passengers, 53; perishable freight, 15; preferences and discriminations, 389; presumption as to negligence, 293; railroad commission, 275; reasonable care, 15; regulation of rates, 203; *res ipsa loquitur*, 293; retrospective effect of statute, 467; right to sue, 125; shipping receipts, 203; shipment of goods, 88; state regulation, 293, 406; stock yards company, 107; stopping trains for passengers, 371; termination of liability, 203; time tables, 204; train service, 239; trespassers, 449; twenty-eight hour law, 275; warehousemen, 389; what law governs, 71; who are passengers, 275, 371.
- Certiorari—existence of other remedy, 71.
- ChamPERTY and Maintenance—deed to land in adverse possession, 71; partition sale, 406.
- Charities—bequests, 34; charitable corporation, 431; gift of land, 34; public or private, 449; testamentary gifts, 221; varying terms of trust, 89.
- Chattel Mortgages—after acquired property, 311; animals, 275; consideration, 161; constructive notice, 406; conversion, 72; delivery of property to mortgagee, 389; description, 35, 467; foreclosure, 347; foreclosure affidavit, 35; indictment, 467; ownership of property, 185; possession by mortgagor, 311; possession of property, 15; recording, 275; sale of mortgaged property, 107; validity, 15; validity as to third persons, 71; withholding from record, 389.
- Citizens—children of Indians, 256; children of naturalized parents, 161.
- Clerks of Courts—action on bond, 275; direction by courts, 431.
- Commerce—intoxicating liquors, 15; license tax, 406; sales, 15; safety appliance act, 450; state regulation, 204.
- Common Law—Operation, 256.
- Compromise and Settlement—binding effect, 35; consideration, 143.
- Conspiracy—boycott, 293; criminal liability, 275; elements, 347; evidence, 161; nature of offense, 389; trades unions, 15.
- Constitutional Law—amendment of constitution, 125; charter of private corporation, 450; Chinese exclusion act, 161; classification, 15; classification of hotels, 35; constitutional questions, 239; construction of constitution, 329; construction of constitutional provision, 293; construction of statutes, 293; dangerous employment, 15; discretion of officers, 107; distribution of governmental powers, 293, 431; due process, 221, 204, 467; employment of women, 221; equal protection, 35, 406; ex post facto laws, 185; fellow servant rule, 256; forfeiture of land titles, 311; free speech, 293; impairment of contracts, 371; inheritance tax, 204; judicial review, 221; legislative powers, 239, 389; liberty to contract, 35; military law, 371; municipal franchises, 89; obligation of contract, 89; parties entitled to raise question, 275, 311; police power, 53, 257, 293; 329; power of legislature, 143; presumptions, 161; proceedings before corporation commission, 125; prohibiting exportation of Philippine coin, 204; regulating boards of trade, 371; regulating bucket shops, 371; regulation of bawdy houses, 389; repeal of corporate charter, 221; repeal of statute, 450; right to wear religious garb, 185; rules of evidence, 467; security for existing debts, 185; statutes, 257; taxation, 221; vested cause of action, 143; vested rights, 204, 257.
- Contempt—Affidavit, 431; attempt to bribe juror, 72; criminal contempt, 53; decisions reviewable, 35; dismissal, 311; imprisonment, 239; proceedings, 128; punishment, 107; violation of court order, 185.
- Contracts—Acceptance, 107, 431; action for breach, 257; action for commissions, 275; action on building contract, 389; architect's certificate, 431; breach, 221, 257, 431; breach by failure of performance, 389; breach of warranty, 347; building contracts, 72, 275, 293, 347, 431, 450; burden of proving breach, 161; consideration, 72, 125, 143, 185, 257, 329, 431, 450; construc-

- tion, 53, 89, 143, 161, 185, 204, 257, 329, 347, 371, 406; correction of mistakes, 35; debt of another, 450; default, 311; detection of fraud, 89; duress, 275, 311; estoppel, 185; extras, 467; fraud, 329, 450; illegal contract, 329; implied contracts, 107, 329, 450; impossibility of performance, 239; indemnity bond, 15; insurance, 239; interpretation, 431; joint or several interests, 204; language of contract, 406; legality, 347; mutuality, 126; mutuality of obligation, 239; mutual mistake, 293; offer and acceptance, 107, 467; partial performance, 53; parties, 359; parties bound, 185; parties in privity, 371; parties to action for breach, 89; performance, 53, 72, 161, 204, 275, 293, 329; pleading, 143; public policy, 276; rescission, 161, 389, 431, 467; rescission for fraud, 53; right of action, 293; rights of purchaser, 389; sale of good will, 35; special contracts, 128; subsequent agreements, 293; tender of performance, 225; threats, 221; time of performance, 35, 389; validity, 276, 371, 389, 407; waiver, 311; what law governs, 35, 221, 347; what constitutes, 276; wrongful forfeiture, 185.
- Contribution**—joint wrong doer, 72; measure of contribution, 143.
- Conversion**—equitable conversion, 89; management of estate, 89.
- Copyrights**—infringement, 311.
- Corporations**—acts of agent, 329; action by directors, 347; agents, 329; assessments, 72; attacking validity of incorporation, 293; authority of agent, 311; authority of treasurer, 161; board of directors, 72; bonds, 161, 389; cancellation of stock, 293; capital stock, 15, 257; compliance with license law, 311; consolidation, 89, 311, 467; contracts, 293; contribution, 107; construction of public grants, 390; corporate name, 257; criminal prosecution, 72; dealings between stockholders, 371; debt limit, 431; de facto corporations, 107; directors, 107, 467; directors in common with other corporation, 431; dissolution, 221, 276, 347; dividends, 15, 35, 72; doing business in foreign state, 204, 293; doing business without license, 143; due process of law, 407; effect of dissolution, 276; estoppel, 204, 431, 450; examination of books, 431; execution of deed, 239; extent of powers, 293; false representations as to value of stock, 390; fiduciary relation of officers, 390; foreign corporations, 53, 371, 450; fraud against minority stockholder, 347; fraud of directors, 53; grounds for appointing receiver, 72; heating companies, 89; illegal sale of original stock, 221; implied authority, 450; incorporation, 35; informal acts of officers, 257; injury to minority stockholder, 204; insolvency, 185, 276; inspection of books, 185; legal existence, 107; liability of officers and stockholders, 161, 347; liability of subscribers to stock, 371; lien on stock, 108; minutes of legislative body, 467; necessary parties in suit against, 239; notice of directors' meeting, 53; officers, 257; organization, 35; personal liability of manager, 221; persons entitled to sue, 53; pleadings, 72; pledge of stock, 128; powers, 450; powers of directors, 467; powers of president, 257; power to sell corporate property, 53; preferred stock, 257; promoters, 72, 390; purchase of capital stock, 467; purpose stated in charter, 221; ratification of agent's act, 390; real estate, 222; receivers, 53, 329, 450; receivership, 253, 450; regulations, 407; release of subscribers, 390; representations as to solvency, 15; rescission, 15; right of receiver of foreign corporation, 108; rights of minority stockholders, 161; rights of stockholders, 143; right to dispose of property, 347; right to prefer creditors, 53; right to purchase own stock, 311; right to sue, 72; right to sue in corporate name, 89; right to urge ultra vires, 431; sale of assets, 407; sale of corporate stock, 407; seals, 89; service of process, 35, 222, 293; statutory regulations, 204; stockholders, 143, 229; stockholder suing on behalf of corporation, 390; stock pool, 431; subscription to stock, 35, 108, 239, 276; termination acts, 450; trespass, 161; ultra vires acts of charter, 143; torts, 15; transfer of assets of directors, 204; ultra vires contract, 35, 185; unlawful dividends, 390; use of property, 347; validity of statute, 185; visitatorial power of state, 161; void action by directors, 347; wrongful issuance of stock, 257;
- Costs**—premium on supersedeas bond, 467; security for payment, 126.
- Counties**—contracts, 89; treasurer liability on bond, 143.
- Courts**—appeal, 371; conclusiveness of federal decisions, 407; conflict of laws, 329; interpretation of state law, 390; interstate commerce, 53; jurisdiction, 107, 239, 276, 347, 450; previous decision as controlling, 53; right given by federal statute, 107; rule of decision, 390; rule of procedure, 126; stare decisis, 15; state practice, 72.
- Covenants**—action for breach, 276; breach of warranty, 107; joint or several liability, 276; quiet enjoyment, 161; warranty, 89.
- Criminal Evidence**—admissibility, 185, 293, 390, 450; competency, 329; conduct of accused, 257; good character, 348; illegal sale of liquor, 185; insanity, 329; pleading, 185; testimony of accomplice, 185; violation of prohibition law, 185; weight of evidence, 185.
- Criminal Law**—absence of accused, 371; accessories, 467; accomplice, 348; amendment of complaint, 293; appellate jurisdiction, 467; arrest of judgment, 371; bill of particulars, 257; burden of proof, 293; burglary, 311; compelling accused to incriminate himself, 204; conclusions, 53; confession, 126, 450; confession of alleged accomplice, 390; connivance to entrap offenders, 143; corporations, 72; credibility of witnesses, 371; cross-examination, 222; defenses, 239, 257; directed verdict, 143, 311; evidence, 15, 222, 257; evidence wrongfully obtained, 161; expert testimony, 372; failure to examine witness, 467; former indictment, 72; former jeopardy, 35, 407; hypothetical questions, 143; instruction, 108, 204, 222, 257, 407; intercepting letter, 126; intoxication as a defense, 257; jeopardy, 15; judgment, 329; judicial notice, 15, 467; jurisdiction, 15; jury, 161; knowledge of unlawful purpose, 239; limitations, 126, 257; new trial, 126; offense committed in two counties, 407; ordinance, 450; other offenses, 222, 240; party liable, 222, 293; parties to offense, 240; perjury, 276; persons acting as agent for others, 348; physicians, 162; plea in abatement, 450; police power, 222; possibility of identifying person, 467; presumption of innocence, 143; 311; prosecuting attorney, 16; prosecution, 468; remarks of district attorney, 257; rights of accused, 467; ruling on motion to quash, 348; sealed verdict, 162; secondary evidence, 143; sentence, 372; sickness of accused, 204; testimony of accomplices, 372; unlawful acts, 72; venue, 329; weight of evidence, 89; writ of error, 72.
- Criminal Trial**—cross-examination, 329; misconduct of jury, 35; record, 257; reputation of accused, 240.
- Customs and Usages**—application to contracts, 348; architects, 312; evidence, 431; sale of standing timber, 312.
- Damages**—breach of contract, 162, 329; certainty as to amount, 450; compensatory damages, 240; contract or tort, 468; dismissal of action, 345; discretion of jury, 108; duty of persons injured, 25; duty to mitigate, 276; excessive claim, 222, 312; ex-

- emplary damages, 407; liquidated damages, 35, 450; mental anguish, 257; personal injuries, 35, 108, 144, 204, 257; physical disfigurement, 294; probability of life, 35; punitive damages, 35, 108; question for jury, 35; reduction of loss, 390; theory of reparation, 144.
- Dead Bodies—rights of hospital, 467.
- Death—action for wrongful death, 53; action surviving, 222; burden of proof, 126; cause of death, 53; contributory negligence, 312, 329; liability, 185; life expectancy, 431; presumptions as to suicide, 185; recovery for loss of services, 257; right to sue for death of parent, 222.
- Dedication—acts constituting, 390; cemetery driveways, 126; designation in map, 257; plate, 204; public easement, 390; recitals in deeds, 276; use of property, 407.
- Deeds—acknowledgement, 126; attempt at testamentary disposition, 185; breach of conditions, 468; cancellation, 72, 450; consideration, 53, 329; construction, 16, 125, 240; constructive delivery, 185; delivering to grantee, 450; delivery, 222, 240, 257; description, 257; execution, 257; fee-simple estates, 431; fiduciary relations, 53; fraud, 450; fraudulent representations, 390; latent ambiguity, 257; mistake, 72; possibility of interest, 467; presumptions, 185, 276, 390; recitals as to grantee, 204; requisites, 450; reservation, 240; restrictive covenants, 89; rights of grantee, 222; subsequent act of grantor, 240; undue influence, 89; validity, 108.
- Depositions—laws of other states, 372; use by opposite party, 240; use in evidence, 372.
- Descent and Distribution—common law, 89; expectancies, 257; husband and wife, 35; laws governing, 390; liabilities, 186; liability of heirs, 162; rights of heirs, 222; suit to set aside deed, 108; tenants in common, 144.
- Discovery—examination before trial, 162; examination of plaintiff before trial, 468; federal statutes, 222; purpose, 108.
- Dismissal and Non-suit—effect on cross action, 144; power of court, 240; real estate, 162.
- Disorderly House—evidence, 276.
- Divorce—acceptance of decree, 329; adultery, 258; agreement as to disposition of property, 294; alimony, 108, 144, 186, 204, 240, 276, 346; community property, 222; conclusiveness, 348; cruelty, 35, 240; custody of children, 108; defenses, 126; disposition of property, 450; domicile, 329; grounds, 186, 329; insanity, 431; jurisdiction, 16; non-support, 312; pleading, 329; sufficiency of evidence, 329; support of children, 329; temporary alimony, 240; validity of judgment, 204.
- Dower—equitable estoppel, 222; estoppel to assert, 89; mortgaged lands, 222; oil and gas lease, 126; priority, 258; property subject, 407; rights and remedies of widow, 108; sale of land, 312.
- Drains—change of use, 258.
- Drunkards—head of family, 186.
- Easements—adverse character of use, 294; adverse possession, 144; creation, 162; express grant, 53; extent of right of way, 294; notice, 204; permissive use, 186; right of way, 294; way of necessity, 222.
- Ejectment—allegation of title, 72; cause of action, 240; common source of title, 468; evidence of title, 162; laches, 372; mortgage, 407; persons entitled to sue, 468.
- Election of Remedies—acts constituting, 276, 432; inconsistency of alternative remedies, 72; necessity of election, 276; replevin, 53.
- Elections—candidates, 258; contest, 468; legislative regulations, 258.
- Electricity—care required, 390; damage to trees, 144; defectively insulated wire, 162; duty to warn, 372; injuries, 312; municipal ordinances, 372; negligence, 330; res ipsa loquitur, 258; wires on street, 35.
- Embezzlement—elements, 390; intent, 276; interest in fund, 186; pledged property, 204; separate withdrawals from a trust fund, 144.
- Eminent Domain—assessment of damages, 450; compensation, 312, 390; condemnation of land, 108; confirmation, 468; deed from defendant, 186; injury to land not taken, 312; interest acquired, 204; pleading, 348; property for private use, 162; public service corporations, 53; public use, 407; rights of abutting owners, 72; right to exercise, 89; statutes, 36, 348; street railroad franchise, 186; streets, 16; taking land under guise of public use, 329; unit of value, 348.
- Equity—bill of review, 16; clean hands, 16; distribution of estate, 390; fiduciary relations, 53; grounds of jurisdiction, 312; jurisdiction, 272; jurisdiction of the person, 186; laches, 258; limitations, 186; master's report, 390; mistake of law, 390; multifariousness, 407; pleading, 54, 162, 312, 348; relief against fraud, 72; retention of jurisdiction acquired, 205; rights of creditors, 36; right to second-class postage rates, 205; statute of limitations, 348.
- Escape—aiding, 407.
- Escheat—estoppel, 372.
- Escrows—building contract, 294; nature and duty, 450; what constitutes, 294.
- Estates—Rule in Shelley's case, 36.
- Estoppel—acts constituting, 36; after acquired title, 186; burden of proof, 312; by record, 125; claim in action, 222; clothing another with apparent title, 108; contract of surety, 126; deeds, 36; equitable estoppel, 162; evidence, 144; grounds, 240; innocent parties, 144; matters precluded, 205; mortgage, 54; national banks, 162; nature of estoppel, 36; persons estopped, 144; persons privy to grantor, 36; pleading, 54; position in judicial proceedings, 330; proceedings, 390; public streets, 205; representations as to title, 36; res judicata, 330; silence, 16; what constitutes, 240.
- Evidence—accommodation indorsers, 312; action for water furnished, 240; admissibility, 36, 89, 126, 222, 372, 451; admissions, 36, 390; admissions by agents, 222; affirmative matter of defense, 468; ambiguity of deed, 294; burden of proof, 451; chattel mortgages, 54; comparison of handwritings, 407; compromise, 144; conclusiveness, 240; continuance of condition, 330; continuing guaranty, 294; contracts, 108; cross-examination, 330; declarations, 89, 162; declarations by grantor, 186; declarations of deceased, 162; exhibiting injury to jury, 294; expert testimony, 432;

- failure to call witness, 72, 294; fire insurance, 330; gifts inter vivos, 390; hypothetical question, 205, 222, 240, 390, 407, 468; judicial records, 330; latent ambiguity, 276; law of sister state, 407; laws of other states, 330, 348; mortuary table, 205; mutual benefit association, 468; operation of railroad, 294; opinion evidence, 36; opinions of non-expert, 240; oral restrictions, 72; orders of railroad commission, 222; parol evidence, 89, 108, 205, 276; patent ambiguity, 258; pedigree, 127; presumption from accident, 432; presumption of fact, 294; presumptions, 36, 222, 294, 330, 372; res gestae, 372; telephone conversation, 468; threats, 330; value, 294; varying contracts, 407; wills, 126; written contract, 240.
- Exceptions, Bill of—signature of judge, 276.
- Exchange of Property—performance, 186; right to rely upon representations, 407.
- Execution—amendment of return, 348; estates in remainder, 72; nature and form, 240.
- Executors and Administrators—appointment, 258; assets, 390; capacity to sue, 390; caveat emptor, 468; claims barred by limitations, 408; compensation, 294; death of partner, 186; deposits in solvent bank, 408; duties of executors, 240; insolvent estate, 372; liability of administrator, 72, 144; liability of bidder at sale, 72; management, 294; mortgagor as mortgagee's personal representative, 390; necessity for administration, 126; partial distribution, 72; payment of legacies, 89; proof of claim, 432; purchase by administrator at own sale, 468; sale of land, 390; settlement of estate, 348; special administration, 312; validity of sale, 276.
- Exemptions—conditional sale, 240; what constitutes, 391.
- Explosives—blasting, 391; negligence, 222; public nuisance, 54.
- Extradition—persons subject to, 432; power of governor, 391.
- Factors—instructions, 451.
- False Imprisonment—acts constituting, 312; defenses, 54; evidence, 312; incompetent ward, 408; issue and proof, 222; knowledge of arrest, 72; what constitutes, 54; confidence game, 432; elements of offense, 258; indictment, 312; representation of solvency, 54.
- Federal Courts—appeal from district court, 162; concurrent jurisdiction, 162; foreign or alien corporation, 186; interstate railroads, 186; jurisdiction, 205, 258, 312, 408; libel in government reservation, 312; matters of probate, 391; new trial, 54; state decisions, 186; state statutes, 54.
- Ferries—federal statutes, 258.
- Fire Insurance—action on policy, 36; burden of proof, 90; by-laws of mutual company, 294; construction, 330, 432; earthquakes, 54; equity of redemption, 126; false representations, 89, 240; immediate notice, 144; increase of hazard, 222, 408; insurable interest, 276; iron safe clause, 186; measure of loss, 36; ownership of property, 294; parol contract, 162; rights and liabilities, 330; stipulations, 127; subrogation, 276; title to property, 144; vacancy of property, 432; waiver of policy conditions, 126; wife's clothing, 451.
- Fixtures—between land-owners and mortgagee, 222; chattels, 432; improvements by tenant, 294; intent to annex, 451; machinery, 16; removal, 144; rights of licensee, 73; trade fixtures, 432.
- Food—right to prohibit sale, 54.
- Forcible Entry and Detainer—peaceable possession, 162.
- Foreign Corporations—isolated transactions, 16; liability of stockholders, 16.
- Forgery—elements of offense, 330; indictments, 90, 162; sufficiency of evidence, 258.
- Franchises—construction, 36.
- Fraud—accrual of action, 391; actionable fraud, 330; action for damage, 240; burden of proof, 312; concealment, 16; confidential relations, 391; duty to disclose facts, 451; election of remedies, 294; elements, 144; knowledge and intent, 73; measure of damages, 348; misrepresentations, 144; mistake, 144; persons liable, 144; pleading, 248; presumptions, 54; release, 90; remedy of buyer, 330; representations by seller, 144; sufficiency of evidence, 54.
- Frauds, Statute of—agreement in consideration of marriage, 258; agreement to acquire land, 36; avoidance by possession, 432; boundary line, 468; contract for sale of land, 54; contract in part within the statute, 432; contracts enforceable, 348; contracts not to be performed within year, 391; contracts of purchase, 162; contracts relating to land, 108; conveyance between husband and wife, 126; debt or default of another, 294; debts, 276; delivery of stock, 451; implied contracts, 127; interest in land, 36, 276, 348; leases, 54, 73; nature of defense, 276; note of another, 408; operation, 54; options, 391; original or collateral promise, 258; original undertaking, 73; part performance, 432, 468; payment of corporate debts, 312; pleading, 108, 258, 372, 451; promise to convey land, 54; promise to pay debt of another, 276, 330; promise to answer for another's default, 128; requisites, 408; sale of corporate stock, 348; sale of goods, 348; sale of standing timber, 468; to whom statute available, 108; written contracts, 90, 451.
- Fraudulent Conveyances—actual fraud, 162; consideration, 372; conveyance of life estate to wife, 90; deed of mortgage, 16; fraud, 294; husband and wife, 391; intent, 408; invalid transactions, 127; lands subject, 294; preferences, 54, 108; preferring creditors, 223; right of conveyance, 54; sales in bulk, 36; transfer of personality, 144, 276; validity, 258, 348; voluntary conveyances, 276; weight, 391.
- Game—prohibition of shipment out of state, 54.
- Gaming—criminal offense, 240; future delivery of goods, 36; gambling contract, 73; recovery of stake, 54; right to recover money, 408; suit for money lost, 16.
- Garnishment—collateral attack, 36; funds subject to, 108; liability of garnishee, 330; liquidated claims, 90; ownership of fund, 372; property subject, 258; salary, 240; service of process, 36; waiver of exemption, 432.
- Gas—care required, 408; regulations, 54.
- Gas Companies—injuries from escaping gas, 372.
- Gifts—delivery, 240; inter vivos, 36, 391; parol gift of land, 330; revocation by death, 54; subsequent mortgage, 258.
- Good Will—breach, 36, 372; definition, 391; right of purchaser, 348; sale, 205, 330.

Grand Jury—control by judge, 16; plea in abatement, 54; recall of, 16.

Guaranty—acceptance, 109, 144; construction of contract, 54; payment of rent, 186; requisites, 312; who may enforce, 391.

Guaranty Insurance—principal and surety, 109.

Guardian and Ward—action by ward, 312; care of ward's property, 240; death of guardian, 294; purchase of ward's property, 258; sale of real estate, 36; setting aside sale of land, 277; settlement of estate, 294.

Habeas Corpus—custody of children, 126, 186; invalid ordinance, 277; nature and scope, 248; questions reviewable, 144; review of judgment, 186, 205; validity, 277.

Highways—automobiles, 186, 223; establishment, 348, 408; obligation of travelers, 90; road tax, 451.

Homestead—abandonment, 312; adopted child, 16; allotment as between heirs, 294; assignment to widow, 54; exemptions, 144, 186; husband and wife, 127; joint deed, 144; limitations, 372; mortgage, 162; possession of widow, 73; rights of divorced wife, 205; termination, 16.

Homicide—aggression, 330; burden of proof, 258; co-conspirators, 391; degrees, 432; dying declarations, 92, 94; effect of lack of skillful treatment, 127; evidence, 223, 258, 312, 330; excusable homicide, 408; in commission of other offense, 348; instructions, 36, 54, 468; intervening cause of death, 36; involuntary manslaughter, 468; justifiable homicide, 90; malice, 468; manslaughter, 240, 312; murder, 391; peace officer, 240; premeditation, 408; presumptions, 145, 187; preventing escape of prisoner, 127; prosecution, 468; self-defense, 109, 127, 145, 223, 451; threats, 312; use of deadly weapons, 162.

Husband and Wife—action for alienation of affection, 554; agency of husband, 145; alienation of affection, 16, 36, 330, 348, 408; alimony, 187; ante-nuptial agreement, 109; assignment of mortgage, 451; authority as agent, 277; bona-fide purchaser, 312; community debts, 294; community property, 313, 330, 408; contracts of married woman, 162; contractual capacity of wife, 73; conveyance between, 36; conveyance by wife, 313; conveyance of land, 36; conveyance of property, 294; enforcement of trust, 109; estate by entirety, 258; estoppel, 187, 451; estoppel of wife, 187; expenditure by wife for necessities, 277; fraudulent representations by husband, 205; funeral expenses of wife, 391; injuries to wife, 348; joint tenancy, 205; joint transactions, 90; liability of husband, 55; living together, 109; married women, 145; necessities furnished by wife, 432; obligations of wife, 36; parties plaintiff, 372; partnerships, 127; right of action, 36; rights of parties, 391; rights of wife, 408; right to consortium, 55; separate allowance, 16; separate estate, 294; separate maintenance, 187, 348; separate property, 240; suretyship of married woman, 55; tenants in common, 145; torts of wife, 205; wife's separate estate, 205.

Indemnity—implied contracts, 348; persons entitled, 109; suit for, 16.

Indians—lands, 372; non-intercourse act, 16; sale of liquors, 258.

Indictment and Information—burglary and larceny, 468; caption, 162; charging two offenses, 258; exceptions, 16; order of offenses, 258; names of witnesses, 258; nature of offense charged, 330; presumption of regularity, 90; statutory offenses, 241; sufficiency of accusation, 90, 187; value of property, 468.

Infants—capacity to commit crime, 432; contracts, 468; juvenile courts, 223; next friend, 127; responsible for crime, 295.

Injunction—action on bond, 223; adequacy of remedy at law, 295, 313, 348; change of possession, 16; cutting timber, 73; dissolution, 223; enactment of ordinance, 127; erroneous issuance, 330; injury to business, 258; irreparable injury, 55, 241; liability for damages, 258; mines and minerals, 127; motion to dissolve, 223; political questions, 295; preventive remedy, 187; property subject to relief, 187; relief, 313; remedy at law, 109; right to sue, 391; subjects, 241; subjects of protection, 432; unfair competition, 16; unlawful contracts, 223; use of property, 432; violation, 372.

Improvements—preferences, 277.

Innkeeper—baggage, 73; intoxicated persons, 16.

Insane persons—conveyances, 223, 432; inquisition, 73; sale of land, 90; torts, 187.

Insurance—assignment of benefits, 36; beneficiary, 145; construction of bond, 16, 109; defense, 17; delivery, 17; dissolution of company, 145; duty of members, 163; duty to insurance, 109; life policies, 330; premium note, 17; unearned premium, 17; variance, 408.

Interest—compound interest, 391; debt or damage, 391; unliquidated damages, 109.

Interpleader—lien of materialmen, 223; persons entitled, 223.

Interstate Commerce—common carriers, 468; doing business in state, 277; express companies, 451; foreign corporations, 223, 451; injury to railroad employee, 241; power of states, 163; powers, 468; private banks, 187; regulating liability of common carrier, 313; shipment of liquor, 432; state interference, 143; telegraph companies, 205, 330; transportation of liquor, 223; what constitutes, 37, 205; when shipment becomes, 205.

Intoxicating Liquors—action against saloon-keeper, 17; action for civil damages, 37; civil damage action, 277; illegal sale, 187, 223, 241; injunction, 17; license, 55, 145, 408; local option election, 223; local option law, 90; medicinal compound, 17; parties liable for illegal sale, 145; principals and accessories, 408; regulation by legislature, 145; res adjudicata, 258; revocation of license, 432; right to sell, 259; sales, 408; sales to minors, 469; search warrant, 408; unlawful sale, 17, 73, 90; validity of insurance, 241; violation of prohibition law, 469.

Joint adventures—mutual duties, 330.

Joint Tenancy—creation, 163.

Judgment—amendments, 90; arrest, 73; arrest of judgment, 241; collateral attack, 73, 127, 451, 432, 469; conclusiveness, 90, 145, 163, 223; confession, 451; consent judgment, 55; disqualification of judge, 432; estoppel, 432; in favor of person in default, 295; joint liability, 313, 451; judgments on pleading, 73; jurisdiction, 17; laches, 163; matters concluded, 295; merger and bar, 277; names of parties, 295; pleading, 469; requisites, 295; res judicata, 37; subjects, 408; tortfeasors, 17; vacating, 391; vacating after term, 205; validity, 91; want of jurisdiction, 73.

Judicial Sales—caveat emptor, 330; confirmation, 55; defect in title, 241; irregularities, 373; rights of bidders, 241.

Jury—demurrer to evidence, 145; federal constitution, 408; right to jury trial, 205, 241, 295; waiver, 127.

Justices of the Peace—pleadings, 469; recall of process, 223.

- Landlord and Tenant**—action for rent, 331; adverse possession, 109; attornment, 391; breach of covenant for quiet enjoyment, 349; breach of lease by tenant, 163; care of premises, 73; covenants in lease, 145; disturbance of possession, 259; estoppel to deny title, 349; eviction, 432; forcible detainer, 433; fraudulent representations, 187; husband and wife, 408; landlord's lien, 55, 469; landlord's title, 408; leases, 277, 408; liability for rent, 241; liability for repairs, 277; liability of lessor, 55; mistake, 408; negligence, 469; notice to terminate tenancy, 391; payment of rent, 313; personal injuries, 241; rescission, 17; rights of lessee, 321; rights of landlord, 349; right of tenant to remove property, 408; special taxes, 187; surrender of leased premises, 90; title of landlord, 37; use and enjoyment of premises, 241; voluntary surrender of lease, 109; waste by tenant, 127.
- Larceny**—Elements of offense, 259, 408; grades of offense, 73; offenses by bailee, 187; possession of stolen goods, 55; value of property stolen, 205; what constitutes, 313.
- Liability Insurance**—ambiguity, 373; construction of contract, 313; effect of acceptance of policy, 349; employee's rights against insurance company, 145; waiver of breach of warranty, 313.
- Libel and Slander**—burden of proof, 55; counter charges and self-defense, 331; damages, 109; defamation of the dead, 17; innuendo, 145; intent and malice, 373; justification, 17; libelous publication, 90; libel per se, 277; malice, 241, 277; privileged communications, 277, 391; question for jury, 433; request by person libeled, 408; what constitutes, 277.
- Licenses**—occupations, 259; revocability, 163.
- Liens**—equitable liens, 109; improvements, 295; life estates, 391; personal property, 163.
- Life Estates**—improvements, 90; obligations of life tenant, 241; sale of timber, 349; subjection to debts, 55.
- Life Insurance**—application, 109; assignment, 313, 433; assignment of interest, 163; breach of contract, 90; burden of proof, 109, 373; cause of death, 313; construction of policy, 277; death from intoxication, 37; duty of agent, 55; false representations by agent, 55; foreign company, 259; fraternal benefit societies, 55; fraud in obtaining, 90; increasing hazard, 90; mistake in issuance, 469; non-payment of assessment, 408; payment of premium, 205; questions for jury, 349; representations, 259; rescission after death, 55; right of beneficiary to attack loan, 469; sound health, 223; statement as to former illnesses, 373; waiver of payment of premium, 187; what law governs, 55.
- Limitation of Actions**—accounts, 37; accrual of cause of action, 109; action on mortgage, 373; action on note, 451; common law rule, 433; debts due on demand, 241; demand notes, 373; effect of bar of principal debt, 349; exceptions, 145; filing of defective complaint, 163; fraud, 469; fraudulent concealment, 295; infancy, 331; interest coupons, 295; loans for indefinite time, 127; loss of freight, 313; mortgages, 451; partial payment, 73, 373; scire facias to revive judgment, 205; pleading, 205; presumptions, 241; preventing running of statute, 259; public rights, 17; scope of statute, 391; suspension of statute, 55; trust, 433; validity of statute, 433; what law governs, 109.
- Livery Stable Keepers**—injury to hired horse and vehicle, 313.
- Logs and Logging**—assignments of contracts, 109; removal of timber, 469; sales, 408.
- Malicious Prosecution**—admissibility of evidence, 433; corporations, 331; nature of action, 55; obedience to injunction, 163; probable cause, 128, 433; termination of suit, 145; want of probable cause, 223.
- Mandamus**—action against officer, 433; adequacy of other remedy, 73; carriers, 241; compensation act, 17; grounds, 55, 259; laches, 17; levy of tax to pay bonds, 295; liability act, 17; nature of proceedings, 187; officers, 391; permanent relief, 408; recovery of property, 73; relief, 37; remedy at law, 313; safe place to work, 17; subjects of relief, 91; suspensive appeal, 349; when granted, 55.
- Marriage**—common law, 295; evidence, 409; fraud, 277; previous marriage, 73; voidability, 349.
- Marshaling Assets and Securities**—release of part of security, 241; rights of subsequent lienors, 163.
- Master and Servant**—admissibility of evidence, 223; anticipation of dangers, 313; assault by servant, 91; assumed risk, 37, 109, 163, 187, 259, 295, 313, 331, 469; authority of servant, 37; benefit reference, 433; breach of contract, 433; burden of proof, 145; care required in general, 469; competency of fellow servants, 295; concurrent negligence, 391; contributory negligence, 37, 205, 259, 331; dangerous occupation, 73; dangerous places, 37, 109; defective appliances, 145, 277; defective materials, 409; defective staging, 73; direction by superior, 127; discharge, 391; duty of master, 187; duty of railway engineer, 433; duty of trainmen, 331; duty to employ competent servants, 187; duty to guard machinery, 277; duty to instruct, 55, 127; employer's duty, 127; evidence as to defective tool, 109; existence of relation, 331; failure to guard machinery, 109; failure to instruct servant, 469; federal employer's liability act, 313; fellow servants, 55, 91, 259, 373, 433, 451, 469; humanitarian doctrine, 295; incompetency of employee, 37; injury to servant, 55, 205, 241, 259, 277, 313, 349, 391, 409, 433; injury to third persons, 37; instructions to servant, 145; joint liability of vice principal, 295; knowledge of master of defects, 295; labor liens, 223; liability at common law, 145; liability for negligence, 127; liability for negligence of servant, 187; liability of master, 187; locomotive engineers, 451; medical treatment, 223; negligence, 223, 331, 349; negligence of fellow servant, 295, 373; negligence of independent contractor, 55; negligence of servants, 331; negligence of superintendent, 295; negligent signals, 451; notice of defects, 349, 391; obedience to foreman, 259; obligation of master, 109, 127; obvious dangers, 241; promise to repair, 163, 433; proximate, 349; question for court and jury, 259; right to profits, 163; rules of master, 469; safe appliances, 259, 295, 331; safe implements of work, 331; safe place to work, 91, 223, 241, 295, 391, 433; set-off against employee, 91; simple tools, 469; suspension of relation, 331; time to remedy defective machinery, 331; torts of servant, 259, 349; unsafe place to work, 469; vice principal, 277, 433; violation of rules, 145; volunteer, 128; warning of danger, 187, 331; youth and inexperience, 331.
- Mechanics' Liens**—Bond of Contractor, 17; buildings separate from land, 37; disclaimer, 331; enforcement, 451; erection of buildings, 55; judgment against married woman, 187; lienable items, 17; material, 331; material men, 145, 187; nature of right, 331; payment to builder, 295; persons entitled, 163; proceedings to obtain, 110; repairs by tenant, 331; right to enforce, 91; set-offs, 55; sub-contractors, 187; undiscovered agency, 313.
- Mines and Minerals**—adverse possession, 409; duty to support surface land, 126; eviction, 259; forest reserve, 241; injury to land, 373; leases, 373; location, 349; mineral waters, 259; mining claims, 73, 163, 205; oil lease, 277; public mineral lands, 295; rights of cotenants, 295; right to exploit lands, 241; what are minerals, 223.
- Money Paid**—right of action, 373; voluntary payment, 17.

Money Received—grounds of action, 241; right of action, 433.

Monopolies—action for damages, 451; collateral contract, 37; combinations prohibited, 391; conspiracy in restraint of trade, 451.

Mortgages—adverse possession, 295; agreements constituting, 331; assignment, 163; bona-fide purchasers, 223, 295; construction, 373; conveyance by mortgagor, 91; dedication of mortgaged land, 259; deeds absolute, 37, 206, 349, 433; extension of time, 145; facts putting on inquiry, 206; foreclosure, 55, 110, 163, 206, 223, 392, 409; gift, 17; liens, 127; life estate, 55; marketable title, 110; possession by mortgagor, 349; quantum of proof, 73; record, 73; relation between parties, 373; rights of bidders, 241; right to foreclose, 145; sale under first mortgage, 392; suit to foreclose, 373; transactions constituting, 145; transfer, 392; trust deed, 91; wrongful foreclosure, 331.

Municipal Corporations—abatement of nuisance, 451; abutting street owners, 433; action on police officer's bond, 91; assessment for public improvements, 295; automobile races, 409; collateral attack, 296; concurrent corporations, 110; contracts, 296; contributory negligence, 296; damages, 373; defects in streets, 349; excavation in street, 223; grant of right to use street, 91; grant of water works franchise, 187; indebtedness, 206; injunctions, 37; injury to pedestrian, 37, 331; liability for arrests under void ordinances, 392; liability for negligence, 145; liability for overflowing sewers, 313; liability of abutting street owner, 451; liability to garnishment, 459; lighting plants, 163; ministerial duties, 206; negligence, 206, 313; neglect of duty, 259; obstructions in street, 91; ordinances, 224; ownership of records, 349; police power, 55, 128, 331; powers, 259; presumptions, 73; prosecution under estray ordinance, 469; public improvements, 37, 73, 187, 224, 373, 433; public streets, 163; ratification of unauthorized act, 163; regulating speed of motor vehicles, 206; rights of pedestrians, 373; right to statutory lien, 224; service of citation, 469; sidewalks, 241; special tax, 277, 331; streets, 331, 433; street improvements, 73, 259, 409; use of streets, 127, 206, 296; violation of ordinances, 187.

Names—idem sonans, 187; signature by initial, 277.

Navigable waters—access to wharf, 259; accretion of reclamation, 37; effect of colonial charters, 392; highways, 433; islands, 250; littoral rights, 241; obstruction, 242.

Negligence—accident, 242; acts in emergency, 224; action for death of child, 163; discovered peril, 433; duty to warn, 373; care required of infants, 37; children, 277; contributory negligence, 145; evidence, 187; fellow servants, 55; imputed negligence, 91, 127, 409; injuries incident to business, 313; instructions, 409; intervening agency, 392; joint liability, 469; last clear chance, 73; liability of contractor, 224; licensee, 259; negligence of parent, 37; pleading, 163, 296, 313, 451; proximate cause, 91, 259, 296, 313, 469; presumption from collapse of wall, 392; questions of law and fact, 127, 392; railroad turntable cases, 469; res ipsa loquitur, 145, 188, 349; sudden peril, 349; violation of ordinance, 91; willful negligence, 242.

New Trial—granting and denying in part, 37; newly-discovered evidence, 17, 331; passion and prejudice, 313.

Notice—actual notice, 331; statutory provisions, 433.

Novation—effect, 37.

Nuisance—abatement, 17; action for abatement, 349; damages, 206, 349; equitable relief, 349; exercise of lawful rights, 127; injunction, 110, 163; liability for, 433; parties liable, 188; persons entitled to sue, 409; right to use property, 277; what constitutes, 37.

Obscenity—giving picture to child, 224.

Officers—compensation, 409, 452; de facto officer, 277; disqualification, 91; election of ineligible person, 332; fees, 37; knowledge of law, 206; liability on official bonds, 392; powers, 278; suspension pending hearing of charges, 392.

Parent and child—advancements, 56; custody of child, 56, 392; emancipation, 91, 127; liability for negligent acts of child, 332; liability for torts of child, 74; right to child's earnings, 145.

Parties—bringing in new parties, 145; joint tortfeasors, 146; matters of abatement, 392.

Partition—action between heirs, 332; acts of parties, 224; decree for partition, 56; improvements by co-tenant, 74; parties, 224; proceedings, 146; rights of purchaser at sale, 146; sale or actual possession, 433; sale or division, 409; sufficiency of petition, 296; title to property, 188; trust estate, 206.

Partnership—action between where common membership exists, 278; actions, 17, 409; acts of surviving partner, 242; contracts, 278; conveyances, 278; debts of old firm, 296; dissolution, 91, 296, 313, 349, 373; essentials, 392; holding out, 206; individual liability, 146; joint adventures, 433; liability after notice of dissolution, 146; liability for negligence, 146; liability of partners, 188; note executed by partner, 332; real estate, 278; retirement of partner, 332; rights of surviving partner, 373; sharing profits as compensation, 433; title of survivor, 349; undisclosed partner, 146.

Patents—assignment, 332; chemical compound, 56; contributory infringement, 56; construction, 314; corporation, 17; designs, 56; equipments, 18; improvement patents, 242; infringement, 242; interference suit, 91; invention, 278; new combination of old elements, 56; patentability, 18; reissues, 56; validity, 91; validity of infringement, 56.

Payment—application, 332, 349, 392; application of money wrongfully obtained, 146; application to debts, 110; burden of proof, 163; dishonored check, 314; duress, 37; general denial, 18; mistake of fact, 373; payment by notes, 314; presumption, 146, 452; recovery, 470; requisites, 91; rights of debtor, 470.

Peace Bond—breach of peace, 127.

Penalties—pleadings, 188; statutes, 91.

Perjury—indictment, 433; materiality, 188, 349; nature and elements of offense, 374.

Perpetuities—common law rule, 224; conditions in deed, 125; creating future estate, 278; definition, 126; suspension of power of alienation, 278.

Physicians and Surgeons—degree of care required, 188; malpractice, 392; services, 278.

Pleading—amendment, 278; complaint, 278; complaint containing several causes of action, 452; contributory negligence, 163; counterclaim, 332; demurrer to answer, 74; nature of issues, 224; negligence, 74; variance, 38, 433.

Pledges—brokers, 470; disposition of collateral by pledgee, 278; foreclosure, 91; nature of essentials, 314; rights of pledgee, 224, 242; sale, 91.

Post Office—use of mail, 452.

Powers—life estates, 146.

Principal and Agent—authority of agent, 92, 128, 163, 188, 259, 260; contracts of agents, 374; delivery of uncompleted instrument, 92; evidence, 242; existence of relation, 188, 470; fiduciary relation, 434; fraud of agent, 452; implied authority, 349; imputed knowledge, 278; liability of agent, 146, 314; liability of agent of undisclosed principal, 392; mistake

- in valuation of land, 224; performance of acts by agent, 92; power of attorney, 74; punitive damages, 18; purchase by agent at tax sale, 38; ratification of unauthorized act, 278; repudiation of contract, 296; scope of agent's authority, 92; secret limitations, 146; undisclosed principal, 188.
- Principal and Surety**—building contracts, 206; consideration, 146; construction, 18; construction of bond, 128, 470; construction of contract, 332; contracts, 127, 128; contract of suretyship, 110, 434; contribution, 74; discharge of surety, 56, 163, 260, 314; enforcement of judgment against surety, 314; execution of new note, 470; fraud, 164; liability, 409; notice of loss, 392; liability of surety, 146, 278; notice to surety, 296; release of surety, 188, 296; remedy of surety, 38, 392; res judicata, 188; signatures, 409; surety company, 18.
- Priorities**—liens, 74.
- Process**—amendment, 92; power to issue, 92; residence, 296; return, 146.
- Prohibition**—existence of remedy by appeal, 74.
- Property**—rights of land-owners, 242.
- Public Lands**—conclusiveness of patent, 188; general land laws, 128; grants, 350; mistaken location, 374; rights of patentees, 164; sales, 242; title by occupancy, 38.
- Quieting Title**—cloud on title, 409; mortgagee in possession, 242; persons entitled to relief, 409; possession of plaintiff, 452, 470; unpaid mortgage, 452.
- Quo Warranto**—nature of remedy, 409.
- Railroads**—absence of headlight, 260; accidents at crossing, 470; announcement of station, 128; care required, 350, 409, 470; commencement of relation to passenger, 242; communicated fires, 92; covenants in agreement to purchase land, 374; crossing accidents, 110, 146, 350, 470; duty of approaching crossing, 110; duty to fence tracks, 409; duty to keep a lookout, 470; duty to look and listen, 92; duty toward intoxicated passenger, 409; duty toward trespassers, 188; eminent domain 164; fences, 409; fires set by engine, 128; frightening animals, 110; injuries at crossing, 409; injury to alighting passenger, 128, 260; injury to animals, 296; injury to passengers, 164, 350; injury to person assisting passenger, 260; injury to trespassers on track, 434; invitation extended for crossing cars, 409; joint tortfeasors, 18; killing live stock, 38; mileage books, 206; mortgages, 296; negligence, 374; negligent fires, 452; obstruction of highway, 242; occupation of street, 56; operation of telegraph lines, 409; passengers, 224; persons on track, 296; power to regulate, 470; proper facilities, 350; relation of carrier and passenger, 242; right of way, 38, 434; rights in streets, 74; rights of licensee, 74; right to use street, 92; safety appliance statute, 409; service of process, 392; speed laws, 434; stop, look and listen, 374; torts of servant, 164; travelers at crossings, 470; violation of ordinance, 188.
- Rape**—detaining female, 314; evidence, 18; prosecutrix's reputation, 128.
- Receivers**—appointment, 92, 392; contracts, 332; counsel fees, 110; remedy of conditional seller, 409; tenants in common, 410.
- Receiving Stolen Goods**—elements of offense, 146; what constitutes, 260.
- Reference**—findings of referee, 452; power of court, 260.
- Reformation of Instruments**—deeds, 38; laches, 260; matters subject to reformation, 74; mistake, 91, 128, 164, 242, 374; mutual mistake, 206.
- Release**—consideration, 56; joint tortfeasors, 434; marriage promise, 56; release of one joint tortfeasor, 410; validity, 188, 242.
- Religious Societies**—action by ecclesiastical authorities, 470; conveyances, 110; doctrine of belief, 92; expulsion from, 18.
- Remainders**—limitations, 374.
- Removal of Causes**—causes removable, 278, 452; citizenship, 224; dismissal, 332; diverse citizenship, 38; fraudulent joinder, 260; grounds, 188, 242; separable controversy, 18, 314; suits removable, 56.
- Replevin**—growing crops, 146; liability on bond, 296; pleading, 410; release of surety, 374; relief to defendant, 332.
- Rewards**—persons entitled, 278.
- Riots**—elements of offense, 38.
- Robbery**—evidence, 350; what constitutes, 188.
- Sales**—acceptance, 224, 314, 332, 434; action for price, 374; books of account, 242; bona-fide purchasers, 350; breach, 278; breach of contract, 350; breach of warranty, 350; buyer's defense, 242; conditional sale, 242; consideration, 260; contract, 224, 332, 452; damages for breach, 224; delivery, 452; executory contract, 410; express warranty, 434; failure to deliver, 434; false representations, 74; fraud, 188; illegality of purpose, 38; implied warranty, 110; insolvency, 18; lien for price, 296; life estates, 260; "more or less," 18; notice of equity, 18; offer and acceptance, 470; oral warranty, 92; order for goods, 188, 296; partial rescission, 164; passing of title, 146, 392, 452; payment of price, 452; purchaser's remedy, 332; readiness to deliver, 278; remedy of buyer, 332; repudiation of contract, 128; rescission, 18, 38, 74, 410, 434; rescission by buyer, 56; right to interest, 146; right of rescission, 188; shortage, 224; tender of delivery, 410; time of payment, 260; warranty, 18, 434.
- Searches and Seizures**—arrest, 224; exemplary damages, 452.
- Seduction**—elements of offense, 74; evidence, 260.
- Set-off and Counterclaim**—recoupment, 56; right of defendant, 224; waiver, 350.
- Sheriffs and Constables**—excuses for non-return, 314; failure to levy on sufficient goods, 314; liability on bond, 452, 470; wrongful execution, 128.
- Specific Performance**—consideration, 188; contract for sale of real estate, 164; contracts enforceable, 278, 314, 350, 352, 374, 410, 452; contracts founded in fraud, 92; contract signed only by purchaser, 126; contract to convey, 92; defective execution, 350; defenses, 434; discretion of court, 434; estoppel to urge objection, 452; improvements, 410; joint contracts, 37; judicial discretion, 332; location of railroad division point, 56; mutuality, 146; nature, 392; objections of relief, 206; parol gift of land, 164; sufficiency of petition, 374; venue, 296; verbal sale of land, 206; want of mutuality, 260; where full performance impossible, 314.
- States**—act authorizing issuance of bonds, 242; liability for damages, 242; powers, 296.
- Statutes**—construction, 146, 206, 410; inconsistent acts, 188; implied repeal, 56; special legislation, 18.
- Street Railroads**—care required, 38, 434; care required in operating car, 314; crossing accident, 242; duty to observe vigilance, 296; duty toward alighting passenger, 374; excessive speed, 224, 434; frightening animals, 164, 410; injuries at crossings, 332; injury to passenger, 278, 332; injury to person on track, 350; negligence, 92, 224, 350; negligence of passenger, 38; operation of cars, 56; ordinance requiring fenders, 164; refusal to pay fare, 434.

Subrogation—rights of surety, 296; vendor's lien, 74.

Subscriptions—conditions, 146.

Sunday—amusements, 164; contracts, 314, 332; police power, 470; power of legislature, 188.

Taxation—assessment, 110, 128, 146, 164, 188, 260, 332, 350; assessment of property, 146; assets of expired corporations, 146; bank shares, 350; corporate shares and capital stock, 410; description of property, 110; double taxation, 410; equality, 164; exemptions, 128; foreign corporations, 110; improvements, 392; incorporeal rights, 206; infant's failure to redeem, 206; inheritance tax, 38, 110; injunction, 110; invalid amusement, 146; levy, 56; lien on merchandise, 350; limitations, 332; minerals, 470; money loaned at interest, 296; national banks, 452; options, 332; order of publications, 296; personal property in hands of executor, 470; power to make reassessment, 452; presumption of regularity, 206; presumptions as to assessment, 110; railroad property, 164; redemption, 128; right to complain, 470; right to remedy, 38, 206; sale for taxes, 332; school land, 314; setting aside sale for taxes, 470; special franchises, 164; succession tax, 188; tax deeds, 260, 278, 452; taxes paid by mistake, 296; tax sale, 74, 206, 470; tax sale certificate, 224, 278; tax titles, 38, 56, 146, 206; transfer tax, 38; uniformity, 470; unseated lands, 56; what property subject, 128.

Telegraphs and Telephones—common carriers, 18; damages, 128; damages for delayed message, 410; damages for failure to deliver, 188; delay in delivery, 260; delivery after office hours, 374; delivery of message, 296; delivery outside of city, 188; duty of sender of message, 38; exchange facilities, 206; failure to deliver message, 56; failure to render service, 56; nature of corporation's duty, 74; negligence in delivering message, 224; onerous rates, 242; status of company, 350.

Tenancy in Common—adverse possession, 434; alienation, 18; conveyance, 350; duty of co-tenant, 332; improvements by tenant, 56; mortgage foreclosure, 434; payment of taxes, 74; persons entitled to sue, 374; redemption from tax sale, 350; rights of co-tenants, 224; sale of co-tenant's interest, 374.

Tender—after suit, 125.

Theaters and Shows—dangerous premises, 314; injuries to persons attending, 74; nuisance, 110.

Time—construction of statutory provisions, 314; directors' meetings, 74.

Torts—acceleration of forces of nature, 434; intents, 74; joint tortfeasors, 224; law governing, 56; malicious injury to business, 74; nature of act, 392; what law governs, 374.

Trade Marks and Trade Names—form of article, 470; fraud, 164; generic names, 470; geographical names, 164; individual names, 350; infringement, 188; names of cemeteries, 127; right not limited to single name, 164; suit for infringement, 314; unfair competition, 56; words subject to appropriation, 314.

Trespass—acts constituting, 164; criminal liability, 410; right to sue, 92; trees as personal property, 392; trespass to real property, 314.

Trespass to Try Title—equitable rights, 314; outstanding title, 470.

Trial—agreed statement of facts, 74; argument of counsel, 110; conjecture cause, 18; correction of verdict, 92; directed verdict, 410; general verdict, 410; instructions, 332; requested instructions, 392; special findings, 110; special interrogatories, 164.

Trover and Conversion—burden of proof, 350; damages, 242; elements, 74; measure of damages, 470.

Trusts—acts of trustees, 410; appointment of new trustee, 278; constructive trusts, 18, 434, 470; creation, 332; death of trustee, 260; equitable fee, 146; express trusts, 110, 434; failure to deliver deed, 260; following trust property, 278; fraud, 74; fraud of trustee, 350; husband and wife, 18; implied trusts, 128; management of estate, 110; money in bank, 38; notes by trustee, 410; parol promise, 188; payment of legacy to trustees, 392; property of trustee, 224; purchase of trust property, 260; resulting trusts, 74, 128, 278, 374, 410, 452; spendthrift trusts, 314; substitution of trustee, 18; testamentary trusts, 92; trust ex maleficio, 452.

United States—bond of public contractor, 260; eight-hour law, 314.

Use and Occupation—ground of obligation, 38.

Usury—application for reduction of principal, 434; collection of interest, 38; elements, 56; estoppel, 470; persons entitled to assert, 410; usurious transactions, 146.

Vendor and Purchaser—bona-fide purchasers, 38, 125, 164, 206, 350; bond for title, 296; burden of proof, 146; constructive notice, 260, 278; contract for sale of land, 332; contract for warranty deed, 146; deficit in acreage, 434; enforcement of lien, 314; estoppel, 260; executory contract for sale of land, 206; foreclosure of land contract, 410; incumbrance readily removable, 128; installments, 434; liability for taxes, 470; lien notes, 434; mistake as to quantity, 110; mortgages, 452; mutual rescission, 164; notice, 110; partial failure to title, 374; quitclaim deed, 18; records as notice, 224; recovery of money paid, 332; release of vendor's lien, 74; remedies of purchaser, 56; reservations in deed, 92; rights of purchaser, 92; right to rent, 452; right to rescind, 188; suit to rescind, 350; tender of deed, 74; time of essence, 18; time as essence of contract, 260; title of vendor, 164, 410; unrecorded contracts, 410; unrecorded deeds, 224; vendor's lien, 128.

Warehousemen—failure to deliver property stored, 452.

Waste—nature and elements, 374.

Waters and Water Courses—assignment of water power contract, 470; diversion, 278; duty to furnish water, 452; easements, 92; flowage rights, 110; Johnson grass, 434; latent ambiguity, 18; liability for injury to land, 242; ownership of ice, 56; prescription, 18; regulation of streets, 392; reservoir sites, 452; res ipsa loquitur, 410; riparian owners, 224; riparian rights, 188, 260; sale of excess water supply, 470; water companies, 410; water rents, 314.

Weapons—unlawful carrying, 374.

Wills—annulment, 110; attestation, 410; construction, 18, 38, 110, 164, 260, 278, 296, 452; costs, 18; declarations of testator, 128; devises, 92, 128; election, 392; election by insane person, 74; estate devised, 38; fraud, 332; general residuary clause, 434; husband and wife, 38; intention of testator, 92; life estates, 38; mental capacity, 164, 452; mental condition of testator, 110; presumption of sanity, 18; probate, 74, 374; reference to other writings, 470; rights of devisees, 242; specific legacy, 452; suit to set aside, 206; testamentary capacity, 164, 296; testamentary powers, 38; title to real estate, 350; undue influence, 38, 164, 242, 434; validity, 92.

Witnesses—cross-examination, 126; physicians, 164; privilege of accused, 92; privileges, 164; refreshing memory, 74.

Work and Labor—implied contracts, 452; presumptions, 392; services of child, 410.



